CC: ENGLER, GERSTMAN, [illegible]AN, CORRADO

FILE WTC 113.00

OCTOBER 6, 1969

MARIO & DIBOND
136 LIBERTY STREET
NEW YORK, N.Y. 10006

ATT: MR. LOUIS DIBOND

RE: WTC 113.00
SPRAY FIREPROOFING WITHOUT
CANVAS ENCLOSURE

GENTLEMEN:

ON SATURDAY, OCTOBER 4, 1969 YOU CARRIED OUT A SPRAY FIREPROOFING OPERATION OF THE EXTERIOR COLUMNS ON THE NORTH AND SOUTH FACES OF THE 7TH FLOOR M.E.R. OF TOWER "A" WITHOUT USING CANVAS ENCLOSURES. THIS WAS CONTRARY TO THE DIRECTIVE GIVEN YOU IN OUR LETTER OF SEPTEMBER 19, 1969 CONCERNING "PROTECTION AGAINST HEALTH HAZARDS DUE TO THE SPRAY FIREPROOFING OPERATION."

OUR GENERAL SUPERINTENDENT, MR. FRED CORRADO, ORDERED YOU TO STOP SPRAYING UNTIL CANVASSES WERE HUNG AND GAVE YOUR FOREMAN THIS ORDER IN WRITING (SEE ATTACHED). YOUR FOREMAN CHOSE TO IGNORE THE ORDER. AS A RESULT, LARGE QUANTITIES OF FIREPROOFING MATERIAL HAVE BLOWN ONTO THE LOADING PLATFORMS AT ELEVATION 310, ONTO FORMWORK IN THE R-1 AREA AT ELEVATION 297, AND ONTO ADJACENT AREAS BOTH WITHIN AND OUTSIDE THE BUILDING.

THIS MORNING WE HAVE ASSIGNED OUR LABOR FORCE TO AID IN CLEANUP OF THIS MATERIAL IN ORDER TO REMOVE THE HEALTH HAZARD. YOUR ACCOUNT WILL BE CHARGED FOR THIS LABOR.

AGAIN, WE DIRECT YOU TO COMPLY WITH THE PROTECTIVE MEASURES OUTLINED IN OUR LETTER OF SEPTEMBER 19, 1969. UNLESS YOU COMPLY, THE REPERCUSSIONS FROM AIR POLLUTION CONTROL PEOPLE AND FROM THE UNIONS ON THE JOB MAY BE SUCH THAT YOUR OPERATION WILL BE GREATLY RESTRICTED.

VERY TRULY YOURS,

TISHMAN REALTY & CONSTRUCTION CO., INC. (AGENT)

cc: Patuglio

A. LEVINE
DEPUTY CONSTRUCTION MANAGER

AL:CB

cc-R.MONTI, F.MERINELLI, P/A W/ATT.

PLAINTIFF'S EXHIBIT PX-539